

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
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Hillegonda Bakker et al.)	
)	
Serial No. 10/500,280)	Group Art Unit: 3744
)	
Filed June 28, 2004)	Examiner: John F. Pettitt
)	
MULTISTAGE FLUID SEPARATION)	September 28 , 2009
ASSEMBLY AND METHOD)	
)	

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF under 37C.F.R.§41.41

This Reply Brief is responsive to the Examiner's Answer mailed on June 16, 2009. Reconsideration of this application in light of the following argument is respectfully requested.

The error of the present rejection is most clearly understood by examination of the Examiner's Response to Argument, section 10, on page 11 of Examiner's Answer. The Examiner accurately cites U.S. patent no. 2,683,972, ("Atkinson") as "explicitly teach[ing] that water condenses along with condensable hydrocarbons as a result of the reduced temperature at cold end 14". The Examiner equates this teaching with the element of the present invention "a liquefied and/or solidified condensables **enriched** fluid outlet (or stream) which passes to a secondary fluid separation vessel" as required by claim 1 of the present application. Condensed fluids being present does not mean the stream is **enriched** in condensables. These are two different things. Condensables may or may not be condensed within a stream. In the Arguments of the Appeal Brief, great care is taken to explain that the cold stream of a vortex tube, although having condensed components, is not enriched in condensables. In fact, from a vortex tube, the hot outlet stream, not the cold outlet stream, would be expected to be enriched

in condensables (although not containing any condensed components). There simply is no explicit teaching in Atkinson that the cold stream outlet is enriched in condensables. Further, the vortex tube of Atkinson's invention would not inherently be enriched in condensables as is clear from the operation of a vortex tube as explained by US patent 6.932,858 (not of record and provided in an evidence appendix of the appeal brief).

The element "a liquefied and/or solidified condensables **enriched** fluid outlet (or stream) which passes to a secondary fluid separation vessel" is not taught or suggested by the Atkinson, and therefore the elements of the rejected claims are not present in the references cited by the Examiner.

For the foregoing reasons, Applicants submit that this ground of rejection is in error.

It is therefore submitted that claims 1-19 are patentable over the art of record. Accordingly, Applicants respectfully request reversal of the § 103 rejection and allowance of the rejected claims.

Respectfully submitted,
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